

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Figure 7, namely, applicant submits a properly labeled replacement drawing of Figure 7 which corrects "iteratios" to "iterations." No new matter has been added.

Attachment: Replacement sheet

### **REMARKS**

Claims 6-13 and 16 were pending when the present Office Action was mailed on September 29, 2009. In this response, claims 6, 9 and 12 have been amended to clarify certain features of these claims and to expedite prosecution of this application; the foregoing amendments are made without prejudice to pursuing these claims in unamended or other forms in a continuation or other application. Accordingly, claims 6-13 and 16 are currently pending.

In the Office Action dated September 29, 2009, claims 6-13 and 16 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) The specification was objected to because the title of the invention is not descriptive;
- (B) The drawings were objected to because "iteratios" is a typographical error in Figure 7, and the replacement drawings date 6/30/04 are not labeled as replacements;
- (C) Claims 6, 9, 12 and 16 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 10 and 12 of U.S. Patent No. 7,026,927;
- (D) Claims 6, 7, 9, 10, 12, 13, and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Mate et al. (US Patent Pub. No. 2002/0193685);
- (E) Claims 8 and 11 were rejected under 35 U.S.C. 103(a) as being obvious over Mate et al. in view of Dimmer (US Patent Pub. No. 2003/0122653).

As a preliminary matter, the undersigned representative respectfully requests an Examiner's telephone interview prior to further substantive examination or issuance of a second Office Action in order to further prosecution of the pending application.

A. Response to the Objection to the Specification

Applicant respectfully submits the following new title: RECEIVER USED IN MARKER LOCALIZATION SENSING SYSTEM, FOR EXAMPLE, PROGRAMMABLE RECEIVER FOR OPTIMIZING THE MARKER LOCALIZATION SENSING SYSTEM. Applicant believes the amended title overcomes the objection and respectfully asked for withdrawal of the objection.

B. Response to the Objection to the Drawings

The drawings were objected to because "iteratios" is a typographical error in Figure 7, and the replacement drawings submitted on June 30, 2004 were not labeled as replacements. Applicant accordingly submits a properly labeled replacement drawing of Figure 7 which corrects "iteratios" to "iterations." No new matter has been added. Accordingly, applicants respectfully request withdrawal of this objection

C. Response to the Double Patenting Rejection of Claims 6, 9, 12 and 16

Applicants respectfully request abeyance of the double patenting rejection until all substantive rejections have been overcome. Upon allowance of claims in the pending application, applicants will address the double patenting rejection and the need to submit a terminal disclaimer, if any.

D. Response to the Section 102(b) and 103(c) Rejections

Claims 6, 9 and 12 have been amended to clarify certain features of these claims, and more specifically, to clarify aspects of the receiver. For example, the receiver can adaptably adjust the excitation interval and/or observation interval to match the characteristics of the marker. (Specification, page 13) Thus, the length of excitation interval and/or observation interval is programmable (or automated) in the receiver in order to optimize the sensing system. (Specification, page 13) Applicants respectfully submit that the claims as amended are now in condition for allowance.

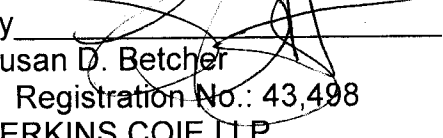
E. Conclusion

In view of the above amendments, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The Applicants accordingly request reconsideration of the application and respectfully submit that the application is in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Susan Betcher at (206) 359-6088.

Applicants believe the pending application is in condition for allowance. If an additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 341148018US from which the undersigned is authorized to draw.

Dated: March 29, 2010

Respectfully submitted,

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Attachments

**REPLACEMENT SHEET**